THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.12998 of 2007

Dated:25.06.2007

Between:

Thadigiri Shakila Mary and others.

…Petitioners

and

The State, Rep.by the Principal Secretary of Govt.of A.P.,
Revenue Department, Secretariat, Hyderabad, and others.

…Respondents

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WRIT PETITION No.12998 of 2007

ORDER:

The petitioners are residents of Amaravathi Village and Mandal in Guntur District. It is their case that all of them purchased different extents of land from various original assignees/transferees, who purchased the same from the Government. They constructed houses on their land and are in possession of the same by paying relevant taxes to the authorities. Fourth respondent issued notices under Rule 3 of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Rules, 2007, asking them to show cause as to why they should not be evicted from the subject land for being in possession of the same in contravention of the provisions of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977. They submitted explanations, and orders are yet to be passed. Apprehending forcible dispossession, the petitioners invoked jurisdiction of this Court under Article 226 of the Constitution of India.

After hearing the learned Counsel for the petitioners and the learned Assistant Government Pleader for Revenue (Assignment), this Court is convinced that the Writ Petition is misconceived. It is axiomatic that against a show cause notice, especially, when an enquiry is pending before the authority, a Writ Petition would not lie. The petitioners have already submitted explanations, and the fourth respondent has to pass orders pursuant to the show cause notices. This Court also observes that unless and until an adverse order is

passed against the petitioners, if the petitioners are in possession of the subject land, they cannot be dispossessed.

The Writ Petition, with the above observations, is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

25.06.2007

Note: Issue C.C in one week.

B/o.

vs